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RECOR #5  
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PATENT  
ATTORNEY DOCKET NO.: 052625-5001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: **Alan BENSKY et al.** )  
Application No.: 09/759,601 ) Group Art Unit: 2857  
Filed: January 16, 2001 ) Examiner: Unassigned  
For: ACCURATE DISTANCE MEASUREMENT )  
USING RF TECHNIQUES )

Commissioner for Patents  
**BOX MISSING PARTS**  
Washington, D.C. 20231

## **RESPONSE TO NOTICE TO FILE MISSING PARTS**

- 1. This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed February 23, 2001.

A copy of the Notice to File Missing Parts of Application-Filing Date Granted (Form PTO-1533) is enclosed.

## 2. Declaration Or Oath

No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.

[ ] The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

[ ] The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

2025 RELEASE UNDER E.O. 14176

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3. English Translation of Non-English Language Papers

[ ] Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document

4. Small Entity Statement

**SMALL ENTITY STATUS CLAIMED.** Small entity status under 37 C.F.R. §1.27 is asserted for the present application.

5. Fee Calculation

Basic Fee:				
Patent Application-\$710.00				\$710.00
Design Application-\$320.00				
	Number Filed	Number Extra	at a Rate of	
Total Claims	105 - 20 =	85	\$18.00 each =	+ 1530.00
Independent Claims	12- 3 =	9	\$80.00 each =	+ 720.00
Multiple dependent claim(s), if any			\$270.00	+
Missing Parts Surcharge Fee			\$130.00	+ 130.00
<b>SUB-TOTAL =</b>				\$ 3090.00
Reduction by 1/2 for filing by a small entity				- \$1545.00
<b>SUB-TOTAL =</b>				\$1545.00
Fee For Application Filed With A Non-English Specification (37 CFR 1.17(k) and 1.52(d)			\$130.00	+
Fee For Processing and retention of application (37 CFR 1.21(l) and 1.53(d)			\$130.00	+
<b>TOTAL FILING FEE =</b>				<b>\$1545.00</b>

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

[X] Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total months requested</u>	<u>Fee for extension</u>	<u>[fee for Small Entity]</u>
[X] one month	\$ 110.00	\$ 55.00
[ ] two months	\$ 390.00	\$195.00
[ ] three months	\$ 890.00	\$445.00
[ ] four months	\$1,390.00	\$695.00
[ ] five months	\$1,890.00	\$945.00

Extension of time fee due with this request: \$ 55.00

If an additional extension of time is required, please consider this a Petition therefor.

[ ] Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

The total fee due is: Completion Fees \$1545.00  
Extension Fees \$ 55.00

Total Fee Due \$1600.00

[X] Enclosed are two checks in the amount of \$ 1600.00 representing the total fee due and \$ 40.00 for the recordation of assignment fee.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

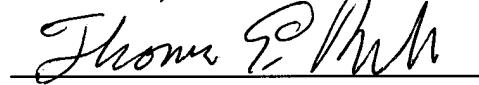
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8. Additional papers enclosed.

- Preliminary Amendment
- Assignment Recordation Cover Sheet (PTO Form 1595)
- Executed Assignment (2 pages)
- Information Disclosure Statement
- Form PTO-1449, 1 document as listed
- Combined Supplemental Declaration for Patent Application and Power of Attorney
- Declaration of Biological Deposit
- Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



Thomas E. Nelson  
Reg. No. 42,030

Date: May 23, 2001

**CUSTOMER NO. 09629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
**1800 M Street, N.W.**  
**Washington, D.C. 20036**  
**(202) 467-7000**

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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/759,601	01/16/2001	Alan Bensky	052625-5001

009629  
MORGAN, LEWIS & BOCKIUS  
1800 M STREET NW  
WASHINGTON, DC 200365869

CONFIRMATION NO. 9436  
FORMALITIES LETTER



\*OC00000005793441\*

Date Mailed: 02/23/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

03/24/2001 AGDITOM 00000090 09759601

01 FC:201	355.00 OP
02 FC:205	65.00 OP
03 FC:203	765.00 OP
04 FC:202	360.00 OP

**FILED UNDER 37 CFR 1.53(b)**

***Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$2250.
  - \$1530 for 85 total claims over 20.
  - \$720 for 9 independent claims over 3 .
- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
  
- **The balance due by applicant is \$ 3090.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE